

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JOHN MARK WHATLEY §  
VS. § CIVIL ACTION NO. 1:21-cv-549  
ZENA STEPHENS, ET AL. §

ORDER

In this lawsuit, Plaintiff asserts claims under the Prison Rape Elimination Act of 2003 (“PREA”) and 42 U.S.C. § 1983. The claims under the PREA and the Section 1983 claim regarding being denied access to the grievance process involve different factual scenarios and legal standards than the other claims brought pursuant to Section 1983. As a result, the court is of the opinion it would be more efficient for the Section 1983 claims other than the claim regarding being denied access to the grievance procedure to be severed into a separate lawsuit. It is therefore

**ORDERED** that the claims brought pursuant to Section 1983, other than the claim regarding the grievance process, are **SEVERED** from this lawsuit and shall proceed as a separate lawsuit. All documents filed in this case shall also be filed in the new lawsuit. The new case should be assigned according to the regular practice for allotment of newly-filed civil actions. An additional filing fee shall not be assessed with respect to the new lawsuit.

**SIGNED this the 12th day of February, 2025.**



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Christine L Stetson  
UNITED STATES MAGISTRATE JUDGE